

Remarks

Claims 2-6, 9-11, 23 and 27-32 are currently pending. Claim 28 has been canceled. Claims 3, 4, 9, 27 and 29-32 have been amended. Claim 28 has been cancelled. No new claims have been added. No new matter has been included. Applicants assert that all claims are now in condition for allowance as set forth more fully below.

Objections to the Drawings

The office action objects to the drawings indicating that the drawings include referenced character 512 which was not mentioned in the description. The first full paragraph of page 16 in the description has been amended to delete the reference “52” and include referenced character “512”. Since the description now references character 512 the objection to the drawings can now be withdrawn.

Objections to the Specification

The first full paragraph of page 16 has been amended to change “and exit 52” to “and exit 512”. Therefore the objection to the specification can now be withdrawn.

101 Rejections

Claims 2-6, 9-11, 23 and 27-32 stand rejected under 35 USC §101 as being nonfunctional descriptive material and therefore non-statutory subject matter. Applicants respectfully traverse the rejections. Amended independent claims 27, 29 and 30 recite common elements that result in a transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan or is limited to a practical application within the technological arts. As a representative sample, amended claim 27 recites

“a method for retaining and using contact information, comprising: receiving a first item of contact information ...via a graphical user interface (“GUI”) displayed on a computer executing a software application, storing the first item of contact information in at least one searchable database in communication with the computer and associating the first item of contact information with a particular entity...receiving and storing information in the at least one searchable database, via the GUI...the class of one or more contacts being indicated from a set of specific customer classes required by the software

application... providing, by the software application, the associated ...information in the at least one searchable database to the plurality of sales representatives via the GUI and a printout in a format indicating which particular entities should be contacted and in what order to maximize sales revenues...”.

As such Claim 27 more fully recites elements within the technological arts. Amended claims 29 and 30 recite similar elements within the technological arts. Therefore Amended independent claims 27, 29 and 30 are allowable as statutory subject matter for at least these reasons. Dependent claims 2-6, 9-11, 23 and 31-32 depend from allowable claims 27, 29 and 30 and are also allowable subject matter for at least the same reasons.

103 Rejections

Claim 29 stands rejected under 35 USC §103(a) as being unpatentable over Metzler, J., *Contact Managers Build a Database to Hike Sales* (“Metzler”) in view of Zarowitz, Janet R., *Using Technology to Maximize Marketing Opportunities* (“Zarowitz”). Claims 2-6, 9-11, 23, 28 and 30 stand rejected under 35 USC §103(a) as being unpatentable over the Metzler in view of the Zarowitz and further in view of Kraft, K., *There’s a Goldmine in Collections! Using Contact Management Software to Manage Your Collection Effort* (“Kraft”). Applicants respectfully traverse these rejections.

The Office Action has rejected independent claims 27, 29 and 30 by stating that Metzler teaches receiving, storing, associating and producing a report of customer contact information but does not teach the specific data found in claims 27, 29 and 30. However, the Office action further asserts that the recited steps are merely descriptive since they do not recite functional subject matter and therefore do not serve to distinguish the claims from the cited references. As discussed above for the rejections under 35 USC §101, amended claims 27, 29 and 30 recite elements containing and modifying structural elements and therefore contain statutory subject matter. Furthermore, each of claims 27, 29 and 30 contain elements concerning the production of reports tailored to produce specific tangible effects outside the computer based on the requirements of the sales representative and the specific type of quality and classification information received from the sales force and compiled by the claimed system and method.

In this regard, amended claim 27 recites,

“a method for retaining and using contact information, comprising ...when a sales representative wishes to call on customers of a certain quality or classification, providing a report desired customers based on the associated quality, classification and billing information in the at least one searchable database via the GUI and a printout in a format indicating which particular entities should be contacted and in what order to maximize sales revenues based on the first contact, additional contact, quality and classification information associated with the particular entity”.

Amended claim 29 recites,

“a method of tracking the performance of a sales representative, comprising... producing a report via the GUI and a printout including at least some of the customer contact information associated with the sales representative, wherein the performance of the sales representative is determined by the contact quality and classification information associated with the sales representative.”

Amended claim 30 recites,

“a system for retaining customer contact information, comprising... the plurality of sales representatives to retrieve information in a report designed to direct sales force activity based on the contact and billing information...”.

As such, the production of reports based on quality and classification information that provide specific direction to a sales force produce a physical transformation/activity outside the computer. Therefore, the specific nature and definition of the quality and classification information has been made functional. Since the cited references, including Kraft, do not disclose such recitations involving reports based on quality and class of contacts as recited in the claims, then claims 27, 29 and 30 are allowable. Dependent claims 2-6, 9-11 and 23 depend from allowable claims independent claims 27 and 29 and are allowable for at least the same reasons.

Furthermore, amended claim 29 is allowable for additional reasons. Amended claim 29 recites elements not taught by the combination of Metzler, Zarowitz and Kraft. In specific, amended claim 29 recites “a method of tracking the performance of a sales representative, comprising... a plurality of databases...”. Claims 29 recites the use of multiple databases which is not taught by the combined references of Metzler, Zarowitz and Kraft. Both Metzler (page 1, Para. 5) and Zarowitz (Page 1 para. 7) specifically teach the use of a single database which teaches away from the recited claims. Therefore,

for at least the above reasons claim 29 is allowable over Metzler and Zarowitz in view of Kraft for at least these reasons. Dependent claim 23 depends from an allowable claim 29 and is also allowable for at least the same reason.

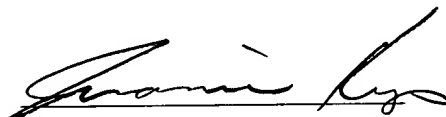
Conclusion

Claims 2-6, 9-11, 23, 25, 28 and 27-32 are pending. Claim 28 has been cancelled. Applicant requests reconsideration of claims 2-6, 9-11, 23 and 27-32 in view of the amendment and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

Date: September 19, 2005

A handwritten signature in black ink, appearing to read "Jeramie J. Keys", written over a horizontal line.

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